

TOM CAMPBELL

Tom Campbell was the senior executive assistant in charge of policy for Speaker of the House of Representatives Joe King between 1987 and 1993. Between 1993 and 1997 Tom served as deputy director of the Washington State Department of Community, Trade and Economic Development and also as a member on the Land Use Study Commission and Forest Practices Board.

Tom is currently a board member of the Charlotte Martin Foundation, a private consultant that assists nonprofits, foundations, and governments in strategic planning and public deliberations. He is also an associate of AmericaSpeaks, an international firm conducting large-scale town meetings.

Tom is a graduate of The Evergreen State College and has a master's degree in city planning from the Massachusetts Institute of Technology. He has three boys, is married to Stephanie Sarantos, Ph.D., and lives in Seattle.



Interview with:	Tom Campbell
Date:	July 26, 2005
Interviewed by:	Rita R. Robison
Transcribed by:	Brian McConaghy
Total number of tapes:	2
Tape 1, Side 1	

Rita R. Robison: This interview with Tom Campbell is about the history of Washington State's Growth Management Act (GMA). The date is July 26, 2005, and the interview is taking place at the Washington State Department of Community, Trade and Economic Development (CTED) in Seattle. My name is Rita R. Robison. I'm a senior planner with Growth Management Services, and I will be interviewing Tom Campbell today.

Rita: What interest did you have in land use and growth management before its passage in 1990?

Tom Campbell: I had a lot of interest in land use and growth management and it actually goes back to my undergraduate work when I was in college in 1973. The first paper that I wrote was comparing the land use laws in Oregon and Washington State. At that time, it was soon after the passage of the Shorelines Management Act and SEPA (State Environmental Protection Act).

It was an interesting time because these were heralded as very important environment laws, protecting the shorelines and rivers. But SEPA was more of a procedural law and was our answer to land use planning in Oregon. It was Washington State's hope that the procedural environmental law would provide the kind of protection that was needed to mitigate problems in zoning and permits. My response and reflecting on the breadth of land use laws in Oregon, not that I was enamored by them, was to see the lack of coverage, especially on land use that our environmental laws; they were not adequate to deal with the broader issues of land use and that our environmental laws were just a further example of the lack of coordination and accountability. There was no planning by state or local governments built in.

The only planning that occurred in Washington State was on the basis of zoning and permits and that is

not adequate planning. So my interest really started very early in my career and little did I know that when I became the policy advisor to the Speaker of the House [of Representatives] Joe King in 1987, I would have an opportunity to really start implementing what I believed was needed—a very comprehensive land use law.

Rita: What role did you play in the passage of the GMA?

Tom: Certainly there were many roles that I played in the passage of the GMA. I was part researcher, advocate, planner by trade, and political analyst. But being the policy advisor to the speaker and the central interest that I had and that Speaker Joe King had, I probably would label my role as one of the architects of the GMA. I brought together a lot of the interests and constraints of the GMA into a viable and working law.

I had a significant background in planning having finished a degree in urban planning from MIT [Massachusetts Institute of Technology] and my longstanding interest that went back to my undergraduate work. So, I think part of it goes to being in the political world for a speaker who felt very strongly about issues and was willing to put a stake in the ground and make something happen.

Let me tell you just a quick little story about how, in many ways, the GMA came about and it might lead to more of an understanding of what role I played. The speaker and I were in a traffic jam on I-405 one day and we were under a significant amount of pressure by a broad coalition of labor and business interests to pass the gas tax at that time. There was a significant interest in putting more money into roads. The Speaker, Joe King, leans to me and says, “Look at those apartment buildings going up, who’s responsible for those?” I said, “Well, funny you should ask because there is nobody who is centrally or even regionally responsible for this that has any authority. Essentially, Mr. Speaker, there is no accountability for growth, for land use and therefore for our transportation dollars. Well, there’s no way to make our transportation dollars efficient because there’s no sense of accountability by which someone can bring the priorities of transportation and land use together—the two sides don’t work together.

“On the one side you have more and more permits, more buildings and capital facilities. On the other hand you have roads and it’s being spent on the other side of it. The two never come together. We have hundreds of local governments that have really no accountability or coordination with one another. So, if you really want to make a difference in spending our infrastructure dollars on transportation, you have to have growth management.” And that sparked the plan that we developed to link the Growth Management Act to the passage of the gas tax.

And the speaker in 1989 said, “I will not pass a gas tax unless we have growth management to go together simultaneously.” So, in essence I was sort of the secret alter ego in the sense of helping him think through, if we were to link the gas tax and growth management together, how would that work. So I played a central role in advising him all the way through the process of passage of the GMA, both in 1990 and in 1991 with the passage of the accountability and the conflict resolution provisions. And even after that I was appointed to the Land Use Study Commission; so I probably spent ten years of my life from 1988-89 through 1997 working on growth management.

Rita: So, what was the original intent of the GMA and why do you think it became law?

Tom: Well, I think one of the original intents was one of obtaining greater efficiency in our public spending. That was certainly one central element. It was also to protect our most critical areas so that we ensured that we have increased environmental protection. It was, in terms of efficiency, to work to contain sprawl, as there were a number of studies at the time documenting that sprawl was inefficient. And it was to bring about

accountability between governments, to look at how land use policies were affecting the pattern of growth, and to bring about greater coherence and alignment with state goals.

Rita: What was the political climate that led to the passage of the GMA?

Tom: Well, the political climate was a confluence of interests and frustration. We were just starting into a period of substantial growth throughout the Puget Sound region. So you had, on one hand, high growth going on in the Puget Sound region, but you had low growth going on outside of the Puget Sound core, so there was both an interest in marrying economic development and growth management. This was a key provision that I don't think was seen as clearly as those of us who were inside of it understood. You couldn't just paint growth management as environmental protection. It had to be seen in the larger context of what is good for the whole state including the balance of jobs and the environment.

So there was a need for both growth management and economic development. Economic development translated mostly through the business interests that were essentially concerned about having the roads and the provisions that we need for economic growth. And those in the environmental community who wanted protection of critical areas and others in local government who were looking for infrastructure funding. So I think the political climate was how could we marry the interests of both builders and real estate, those who were looking for the gas tax with the environmental interests and local government together into a broad basis of support for the Growth Management Act. And I think that was the climate of what we were most able to do, which was to convince the majority of members in the Legislature that there was a common interest: "We're not putting together a top-down solution where we trade goals and standards; we're not requiring everyone to meet state standards." It was based on the tradition of local government having the tools and the analysis to do growth management planning and work together on that basis.

So, in the first stage, the planning stage, in 1990 it was marrying those business interests who were after a gas tax with both environmental and local government interests. And in the second stage—the accountability stage 1991, which was probably the more difficult, it was to pass the process of agreeing on how conflicts would be resolved and how growth management would really have some teeth in it, as they said. That was, I think, a more interesting time because while some might agree with bottom-up planning, they didn't agree to having to hold to any kind of accountability. In fact the day after the passage in 1990 of the Growth Management Act, the environmentalists submitted an initiative to the voters, I-547, saying the Legislature failed to implement growth management by not having any teeth to it. It proposed an Oregon-style, top-down model with a Land Use Commission and standards that were approved at the state level. And I think it created the biggest challenge to the whole effort that we had put into the passage of the GMA.

So, we had a political climate where the environmentalists just said, "Well, it's a toothless law." We had to deal with others that said, "Let's just give this an opportunity." So, I think we had a very difficult challenge to try and convince the environmentalists as well as the business and local government interests that the GMA would have accountability within the traditions of the state. However, I-547 represented a huge opportunity for a coalition of realtors, builders, and for the private property rights coalition—to amass a huge war chest to defeat the initiative, which is what they did by at least a two-to-one margin. The consequence was that it organized a huge coalition against growth management and against the second stage of growth management, which was to put teeth into it.

So, the political climate was anything but friendly. It was full of huge conflicts between those who had

amassed money in defense of private property rights—the realtors and builders—and the environmentalists who had pissed off other people because we were trying to do something that was in many ways consistent with what the state of Washington’s planning laws were aimed to do.

I think the one place that kind of created some common ground was between the Democrats and Republicans in Olympia. And I give a huge amount of credit, not only to Speaker Joe King for his real courage in the face of all this, but to Senator [Majority Leader] Jeannette Hayner who really stuck her neck out for finishing what was started in the GMA. What happened was, a commitment by leadership that with the defeat of the environmental initiative, the work would be finished and there would be accountability. There was a letter signed by Senator Jeannette Hayner and Speaker Joe King that pledged that if the initiative did not pass that they would pledge to work with the Governor and all Four Corners of the Legislature to pass an alternative to the initiative. It would be one that would be consistent with local planning and be regionally consistent with both local government needs the different character of Eastern and rural Washington. The pledging of an agreement that will pass in the next legislative session had the political deal—at least the framework—to get the second stage of growth management passed in 1991.

Rita: What models were used in drafting Washington’s GMA?

Tom: Well, I did a fairly comprehensive review of other states. In essence, my job was being the person writing the framework and putting together the memos and the documents as to what this would look like and then handing it over to attorneys such as Steve Lundin and others who had more specific knowledge of how to draft it. But we did look at some of the states that were in the midst of implementing growth management. I would say though that the state that took the greatest interest of ours was Florida.

In fact, now U.S. Senator Maria Cantwell and I visited Florida on the behest of 1000 Friends of Florida and spent considerable time looking at how they were implementing it, the political coalitions that they had there, some of the elements of it. I think our ideas of concurrency certainly came out of the Florida act, but also the problem that they had with concurrency was that development was leapfrogging outside of the constrained urban cores. So, a central problem that they had in Florida was that concurrency was contributing to sprawl. So, while Florida looked like a model it was a problem because they had no way to contain it.

So, I married both concurrency and the urban growth area. However, we were nervous about it becoming a fixed line relative to what had occurred in Oregon with their growth management boundaries. We were more trying to conceive of it as an urban service area. We were focusing on how best urban services could best be delivered. So, we did look at Oregon for the problems that they had in implementing that.

As a model though, New Jersey also had some new legislation that they’d developed—that, I thought, had some merit. California’s to some extent, but they really didn’t have much except for a SEPA-like law and a coastal management program and impact fees. Impact fees were more of a broader area, we looked at a number of states that had impact fee laws, but certainly trying to figure out a way to pay for growth and pay for infrastructure and bringing planning together with payment of capital facilities—so, we looked at a wide number of states.

Rita: What kind of pressure was there from the public to create a growth management strategy?

Tom: Well, one of the interesting points for me—I was working for a Democrat at this time and Democrats really didn’t have much of an answer for the suburban public. In essence our core seats for Democrats were within more highly populated urban areas, but in the suburban areas we really didn’t have as many candidates

and nor was there a lot of clamoring. We didn't have issues that we could run on. So, I looked—and this is probably the long way of getting to the question of political expediency, because there wasn't probably direct public pressure to do this. This is an issue we put on the table—that the Legislature put on the table—and once you do that you have to look at how it really resonates with the public.

And so, I looked really at what we call the “suburban crescent,” all around Puget Sound. I looked at those communities like Tukwila, Des Moines, Kent, Auburn, Bellevue, Redmond, Kirkland, going north to Edmonds, Mountlake Terrace—a whole crescent of communities which were under significant population growth pressure and a lack of adequate roads and facilities at the same time. That was a public experience. People felt that their livability was declining. People would say, “We are not moving ahead, in fact we're moving behind. We have a good quality of life living in the state of Washington, but in essence when it gets down to it getting around and getting to work and having the livability that we thought we moved here for is significantly changing. Don't Californiate Washington.” There were a number of statements that were out there. What I did very directly was try and craft a responsive policy package that addressed those in the suburbs that were feeling the constraints of growth. And, I believe, it created public pressure.

We certainly had public pressure from the interest groups, but we needed a platform for those candidates who were running in the suburban areas. So we put together the issues of growth management, transportation, paying for schools, adequate facilities—those issues really, really resonated in the suburbs. And we did it under the banner of “livable Washington.” How do we make Washington livable? I don't know that you can make this direct correlation, but the Democrats increased their membership substantially in the suburban areas through the early 1990s. I believe there is some relationship to the public knowing that they needed answers to the issues that they were facing.

Let me put it politically—this put Republicans really on the defensive. I think that that shifted in two or three years when they saw that with growth issues that we were making inroads. But they were constrained because they had the constituency of realtors and private property rights saying, “Whoa, what are you doing to us? You're crossing over.” They had to have issues—they had to deal with transportation and still do, but to have constraints on land use was more difficult for them to swallow. So, right after the passage in 1990, the private property rights people did try and overthrow many of the ordinances, certainly in Snohomish County. The public, in that regard, was very active and I think it's put Republicans in a very difficult position to both deal with issues in the suburbs and to deal with constraints on private property.

Rita: So, tell us about the passage of the GMA. The Steel Magnolias story. Getting all those committee chairs is highly unusual. How did Joe King do that and how did they make this work?

Tom: Well, when you look at the breadth of issues that are in growth management and you see someone who's as smart politically as Joe King—certainly if you're a strong speaker—one of the ways that you're strong is by having strong committee chairs. When you looked at the breadth of issues that we dealt with in growth management—economic development, local government, transportation, housing, natural resources, and environment—Busse Nutley, Ruth Fisher, Mary Margaret Haugen, Nancy Rust, Maria Cantwell, and Jennifer Belcher served as what were called the Steel Magnolias.

But you had the breadth of issues that had to be dealt with. So what we did was, while we had a consolidated Growth Management Act, we let each committee go into its section of it so they could deal with issues of local government, economic development, housing, the environment, transportation, and natural

resources.

Here you had six incredibly strong, very potent women, each in their own right going further with their own work and careers, and they have turned out to be very, very successful. So it was a wonderful time to rely on their strengths—but also to contend with a unique brand of female ego. Something you might call territories. These women had good strong elbows but also knew how to compromise and get along with the speaker. If there were conflicts that couldn't be resolved, they were assuaged by Joe King.

I had the job of shepherding all of the six components and bringing those pieces together so we did have a coherent Growth Management Act. I would have drafts out to each of the committees. I would look and see how you could bring those into one act—what we did was we had each of the committees who passed their own piece of legislation. I had the job of consolidating that into one act that could be passed and helping to trim the various pieces into an essential whole.

The Steel Magnolias would have meetings on a regular basis to evaluate the integration of the parts and served as a kind of “committee of the whole.” Sometimes the process would become cumbersome and it became more of an issue on the floor of the House with initial passage. Our initial passage had too many pieces and was too long but we mustered the votes to get something out of the House to show the Senate that we were serious and that growth management had substantial support.

The Senate certainly in 1990 was not very interested in it. But we had to get to the point where we got something over to them and so we put together a fairly significant bill. And, at that time, while the Steel Magnolias kept meeting, Joe King put Maria Cantwell more in the lead also with then Busse Nutley who was on the conference committee. So, Busse and Maria took the lead on the overall legislation, although each segment would continue to go back to each of the committee chairs for review. But it was a very great move to have each of those committees—to have their direct involvement on it—and I think it really created a much greater buy-in.

We certainly had to have it for transportation with all the issues. Part of the Growth Management Act was a very important regional transportation planning law that was significant for how transportation dollars would be spent. And in fact, we required—and this got tested in the courts, I believe, with the third runway and a number of other projects—that there had to be consistency between local government capital facilities and the regional transportation plan.

That was a huge, huge statement and that statement was really made by the Transportation Committee. You don't get much through in transportation that the Transportation Committee and the lobbyists who care about it don't have some fingers on. So, having each committee have the degree of ownership that they did—certainly that's true in our state with local government. Many of those people in local government had their own ideas about what we should be doing in planning. I had incredible numbers of meetings with planners from the local government planning community because while the city and county associations had their own political point of view, it was really the people who were on the front lines viewing the planning.

But bringing that consistency between local government and transportation under the basis of the Growth Management Act, I thought was huge. I think that was a result of the Steel Magnolias working together.

Tape 1, Side 2

Rita: What is your most interesting memory of the dynamics of the events leading to the enactment of the GMA?

Tom: Well, I think it was sitting in Senator Jeannette Hayner's office. It was just her and me and her staff person. I had drafted the letter that said that House and Senate Leadership will commit to finishing the Growth Management Act and here is a wonderful woman—Senator Hayner, she's an attorney, very smart. She had to really look at her caucus who was not really very interested into putting the teeth into the Growth Management Act. But she was looking at me and she was looking at her staff, which was Tim Martin, who became the chief clerk of the House, who was not supportive of this. And it was the two of us arguing with her. I was saying that this was the right thing to do and her saying that I don't think this will necessarily work. Then she finally said, "Okay, I'm going to sign it." And with that the letter got published! It went out to all the newspapers and I say it was one of the key reasons that when we had our Five Corner negotiations to finish growth management and she stood in there the whole time, against many of the people in her caucus, that it actually passed. But it was that signature moment for me of being alone with her staff and her and her signing with just a big deep breath. It was something that was very courageous, and I think helped finish the act.

Rita: Tell us about the opposition to the GMA. How were they accommodated?

Tom: Well, there were a number of key people from the opposition that had significant roles in evaluating each of the drafts. We had a very open process to drafting this and there were business lobbyists, lobbyists from realtors, lobbyists from builders, people from the Association of General Contractors to those who were representing office parks to those who very involved in creating resorts and older contained communities or the timber interests who want to sell off the land they had to create these communities and were worried about the value of their timber. There was a huge set of interests there.

They would often hire an attorney such as Keith Dearborn or others who would play a lead role with it, but each of those lobbyists were very involved, not only broadly, "Can we go along with this?"—I mean, we had a Senator Hayner saying, "We're going to go along with this," then it was okay. They said, "Well, we better do damage control and work on the specifics of each of the aspects of it that we're mostly concerned about." They could be accommodated because they want the bill, right? So, they wanted money for infrastructure and with a concurrency requirement in there—one of the things is that it's a six-year concurrency so there was enough room in there, but it created a huge amount of pressure to pay for it. So, they got accommodated by putting in tools for paying for infrastructure, but then there were a lot of very close specifics about issues that would come up that we would have to negotiate with them. And I felt like they added a huge amount to the work of this. I mean, we came out of there with support from builders, realtors and that we could fashion a coalition of people who would say, "This, we think, can be workable especially if it has the local input."

Philosophically, the thing that they had to most get over was that it wasn't going to be business as usual anymore. I mean, at first they were just whining that this is going to shut down development, that it was going to shut down your ability to use property in the place. But we worked hard for some level of accommodation without selling out the principles of the act. We put in a huge amount of stuff for private property rights. I mean, we accommodated a huge amount of what the law says for private property. Actually, as that is handled through the court system, I wanted to be really clear that the Growth Management Act—one of the goals represents private property rights. So, I think we did a fair amount to say, "Your interests are important," that we wanted an act that had the breadth of support of those who would be most intimately involved in it. It was the art of the politically possible. And you didn't just go ramming through an Oregon-style land use law, you had to have the interests who could make it work and they had a lot of good input on the procedural side of,

Would this really work? How are permits really being handled at the local government level?

We did a huge amount of negotiating and one that I never, never won and never was going to win was vesting. They wanted vesting to only occur at the time that a permit is filed, not when it is complete. You had all of these lots out there that got vested. If you looked at a map of King County, it just scared you. Basically we said, “We’re never going to win in growth management unless we change the vesting law.” It was almost like a threat, you could stick it back in to keep the political opposition off guard because they had to have that out of there. That was knockdown, drag out for their broad coalition—if they didn’t get vesting as was currently the law, they were going to be in big trouble. So, I kept tucking it in there and I think they got really pissed off at me.

I took a huge amount of scars—in fact they went so far as to have private meetings with the speaker at least a few times without me in there because they thought they could convince the speaker that this was the right way to go as long as Tom Campbell wasn’t in the room. They didn’t have much success because I know Joe King has got a spine of steel. I think that they thought they could make their case, but it went through anyway—the money and the provisions, most everything that we wanted is in this act.

Rita: So, why was the six-year time picked out for concurrency?

Tom: Well, if you look at the lag time that it takes to build roads and put in capital facilities—the language on concurrency had to be looked at pretty closely and I believe it reads that you have a financial contract, or some such language, for capital facilities to be built. But there was no way that you could do that; I’d looked at three years, but with the every two-year capital facilities plans and getting the money which we knew... I mean the backdrop to concurrency, if they couldn’t meet the local level of service standards then they had to adjust their land use requirements so we had kind of an out there. And those are the kind of great discussions that you would have to think about how do you make a six-year or a concurrency standard work—knowing principally for transportation—but also looking at other issues like parks and education. People were not getting the money for schools and getting them built. I’d be very curious to know how things are going now, but six years at the time seemed a reasonable period of time.

Rita: After the GMA was passed, you were invited to give presentations on the new law. What was the reaction to these presentations?

Tom: Well, I think there was a great deal of interest in how was it really going to work. And certainly, How is it going to be paid for? There was a huge amount of concern—I mean that was why we put money in to local governments for planning—frankly a huge amount of money for planning grants there. So, I spoke to all kinds of people. I’ve spoken in front of timber groups, environmental associations; I spoke in front of realtor conventions. I’ve spoken many times to the planning community and to local government officials.

Private property rights people didn’t ever necessarily invite me, but certainly the business community did—the Seattle Chamber of Commerce. I spoke to numerous local governments and planning entities in Eastern Washington. Since I have such an intimate knowledge of this—I remember speaking to the Seattle Chamber—it was a debate that we had and we certainly had some concerns about it. But I think that with the breadth of support for it and that there was money for both planning and for transportation, that there was a willingness to go along with it.

One time that I spoke in front of the Pacific Legal Foundation—a group of conservative lawyers—this is probably the most difficult public speaking engagement I ever had in my life and I was as scared as you get.

I had to debate Richard Epstein who was a University of Chicago law professor. It is said that he is Clarence Thomas' mentor, might even be called guru, for the private property rights movement. This guy is brilliant and the discussion was moderated by Wallace Loh, who was then the dean of the law school at the University of Washington, together with Dick Ford the managing partner of Preston, Gates and Ellis. Here I am, I'm a planner, not a lawyer. I had to figure out, how could you debate somebody who knew every common law from England all the way through the constitutional law cases on property rights. I mean this guy's books on the subject are immense. I was shaking in my boots trying to figure out how to talk to somebody who has such a completely opposite point of view. I mean, what will the government really have in trying to say it knows best what should happen. This is still sorting itself out in the Supreme Court, which is the case on eminent domain. This just goes so completely contrary to those who are really conservative, believe in Freedom County—and had what they thought was the definition that private property rights trumps all other public need for planning. So, I had this debate with him and just about every argument I could throw at him relative to the right of government to plan was summarily dismissed.

But I did, I thought, score a few points against him because I said, "Well, what about Native Americans, who were here prior? How do we regard those that really have a deeper, long spiritual connection? What rights do people have to come take over lands that they traditionally have used for their fishing rights?" He actually acknowledged that point, that people who have—I mean this isn't a property right, although putting people in reservations was a huge travesty in my mind—but many of the issues on critical areas and fish and wildlife habitat protection are a direct result of honoring treaties and agreements with the tribes. And so he gave me a small point for saying that those with prior interests, which certainly is consistent with his views, might have some rights. So, it was an interesting sense of hanging myself out in front of just about any group because I believe in this stuff.

Rita: What was the early process for local governments to begin their work under the GMA?

Tom: Well, one of the decisions that we made, I think perhaps came as close as anything to overturning the Growth Management Act was the original interim protection of critical areas. Essentially, we required every local government to go right into the teeth of the private property rights movement and adopt something quickly. And maybe I took it from Oregon's process, but if you're looking at doing planning right, the first thing you do is protect the most sensitive areas.

You don't just go out and start throwing development restrictions on broad pieces of land, you have to set certain things aside first. And, with the pressure that we had for growth during that time, we wanted to make sure that those most sensitive lands were protected at least on an interim basis. They would then be wrapped around in four years and adopted along with the whole comprehensive plan, but we wanted to make sure that that interim and initial restrictions were adopted. Not many local governments got it done very quickly, but a number of them did. I think some of them already had some level of ordinances, but we wanted to make sure that there was a reassessment.

So, the early process was for local governments to create certainly for protection on those lands—which are probably the most sensitive area that they had with the political constituency—as well as then to vote that, and while adopting those, start your four-year planning process for the comprehensive plan. I think that the funding for much of that early on was essential for local governments to feel like they weren't just being pushed to make all these new kinds of ordinances without some funding and infrastructure incentives. And I think there

was, while there was generally some acceptance, there was certainly a lot of push back, “This is too much too soon.” I think the early process for many local governments was, “We don’t have enough people who know enough to do this work.”

So, I couldn’t really see a different way of accommodating it especially because we had environmentalists on one side saying you’re not doing anything for the environment. So, it had to be done and we almost overturned the Growth Management Act as a result of it. We survived it and I think that even though the early process was rocky, I think that it is a highly accepted law of the land.

Rita: In terms of how the GMA is structured, what do you think are the most important parts of the law?

Tom: I think the most important parts of the law are in the area of accountability so that we have accountability for how planning occurs and that there is some way to challenge those decisions and make those decisions public. I believe that public engagement and the involvement of citizens was essential. You had a whole new goal of the act that requires early and continuous public participation. That’s new, plus we gave citizens standing to challenge the issues of planning when they had been involved in the planning process. And I think we have many more watchdogs and have a number of new tools by which they can make a difference in shaping local land use laws.

I think the act itself created the priority of planning and long-term thinking as a law of the land as opposed to letting that be guided by permits. While there was certainly an antigovernment sentiment that we had to deal with, the ability for us to bring together all of the long-term issues that we have in this state was very, very important. I think paying for public facilities, getting out a way to put adequate facilities in place—I look now at places that have parks and have schools and things that were not being planned for adequately. I think people were just approving stuff without thinking about the acquisition of parks and open space and that that together with critical areas we were way ahead of the curve on wildlife and fish habitat.

That was another thing that I thought was really essential was the cross-jurisdictional responsibilities that the GMA created, both on a regional basis and between local governments, especially the fight between counties and cities and “never the twain shall meet” in terms of who has what role and what responsibility. We declared the county’s role to provide the regional services and the city for funding and operation of urban services. We defined the city responsibility because they had more funding options. But we also called for having some level of dialogue of responsibility between city and counties as they had to agree on urban growth areas—that brought together a level of collaboration that really didn’t exist before. So, I think those are critical aspects.

Rita: How has the GMA evolved? What significant things has GMA done to meet the goals it was intended to achieve?

Tom: Well, I haven’t been as directly involved in the Growth Management Act as of late. It’s more of how I’ve observed it really become the accepted law of the land as to how planning occurs. I think the acceptability of these plans is that they are being upheld. I see how King County adopted a very strong critical areas ordinance, not dissimilar to what we had to do during the passage of the Growth Management Act. I think it still remains to be seen whether or not the King County ordinance will stand, but I see it being used for very strong local government policies. And being able to have that done on an aggregate level and be able to not only look at it for environmental protection, but really for economic development purposes as well—that it can help create some stability in how land use occurs and people can see some predictability.

Although, I would say probably not very many people on the building side would say it created more predictability and stability, and having looked at a number of development issues lately, the layers do seem to be fairly significant. I think what we tried to do at the Land Use Study Commission was, “Can we take a few layers out?” So, when I look at the act procedurally, I still get fairly concerned about something we tried to do which was to have areas and levels of permits and then not have to require all the little studies and things that really slow a process down. I’m afraid for how we’ve created multiple layers of bureaucracy in doing this and thought that by having these critical area ordinances that we would reduce the number of studies that would be required to do. But I don’t know if we accomplished that.

Rita: As a member of the CTED management team, what were your views on how the agency was administering the GMA?

Tom: Realize that I came on as part of the CTED management team as a deputy director when we were merging the department: Trade and Economic Development with the Department of Community Development. It was really Chuck Clarke, who was the director of Community Development, and then Mike McCormick, certainly who took the role from the department’s point of view in representing Governor Booth Gardner during the discussion phase. So already we had a fairly good linkage into the department.

Throughout the passage of it Chuck was supportive of it and Mike being more of a local government planner—and I believe he was the director of agency’s Local Government Services [division] originally. There was no growth management division as we were working to create the Growth Management Act, and I think the Growth Management Act did create a clear set of responsibilities and a division was created initially within CTED for those purposes. I mean, there was no way you could do that without it having the grants, the money would have to flow, and the review responsibility that the Growth Management Act set up, you really needed a fairly sophisticated division, an entity in CTED. I think that’s what we always expected out of the Department of Community Development was really a local government orientation of being able to work directly with a community from their needs up. But here we put in a set of responsibilities for not only, “Are you working to encourage them with grants,” but we’re also having to review, “Are you doing it well enough.” And there became what I think was a difficult pair of roles to play both sides—both having a sense of, “We need a strong entity with an understanding that planners really understand the Growth Management Act who can also work and provide technical assistance,” but could also say, “If this isn’t good enough,” to continue to enforce and then come back... Steve Wells, I think, carried that role really well when I was deputy director and also director of policy and programs.

I always oversaw the Growth Management Division, the head of that division reported to me. I would be involved because of my history with the Growth Management Act and then I was also appointed by the Governor to be on the Land Use Study Commission. I got involved in lots of local government issues and negotiations. I think that CTED had a significant role both in providing technical assistance and to support local government when they were making process. And we were doing huge negotiations to try and help counties make it through the deadlines and deal with the hearings board decisions. One month it was Kitsap County or it was San Juan County or it would be Whatcom County—certainly those that were required to plan, those that were looking at opting in were in a little bit different role, but they still had to comply with it. But I think that CTED had in both the role of providing technical assistance and also compliance was an important delicate balance that had to be played there. Overall they’ve done a great job.

Tape 2, Side 1

Rita: How has the GMA changed land use patterns in the state?

Tom: Well, I think it's a tough question to definitively answer. It's similar to how one says, "Well, does new transportation improvement really change congestion?" I believe that without the Growth Management Act we'd have much more sprawl than we currently have. No question about that. To the degree that it has created more density—I think that we've done a much better job creating density... In fact I see it used all the time in arguments that we need to create more density as a result of the Growth Management Act. It was a central component of growth management that sprawl is bad, density is good.

And I think that the debates around the urban growth boundary and the critical areas ordinances and the buildable lands questions—those have changed the debate about land use. So, I know having looked at those pictures from above Washington or above Puget Sound where you see the amount of growth and urban growth and development and some would say it's an inevitable mark of new development across the whole Puget Sound basin.

I would say, one, there's a new ethic about growth and density that has been adopted by the public officials and many of the public. People can create livable communities.

For example some of the inner areas—I mentioned Mill Creek and Kirkland and communities that have seen—we've revitalized our downtowns and we've seen that we don't have to just be isolated suburban communities. Although when you go out into the more rural areas, you see large pockets of what I would call pretty traditional sprawl. I think some of that is just inevitable.

I mean, look at a community like Duvall. If you look above Duvall there's huge amounts of homes there and down every street there seems to be one per acre. So, I think on the grander scale, it's very difficult to measure how much of a difference the Growth Management Act has made just on a physical look. But I think it's changed the way people view sprawl and it's made a difference that wouldn't have been there without it. So, it may look like the lay of the land is continual sprawl, but I think it has changed both attitudinally and physically. I think that if we hadn't had it, it would be worse.

Rita: What did you think of the work of the Growth Strategies Commission and the 1991 amendments to the GMA creating the growth management hearings boards?

Tom: The Growth Strategies Commission was an important sounding board for the amendments and the issues that we had. If I remember correctly, because we didn't pass the Growth Management Act in 1989, we formed the Growth Strategies Commission as kind of our fallback strategy.

So, we had a place where they started on an 18-month process to evaluate looking at growth management provisions. Dick Ford was chairing it; a very savvy, very capable guy for managing complex issues by both being at the Port of Seattle and then also being an attorney. The Growth Strategies Commission had a good membership and helped legitimize growth management. That said, the first year we basically started writing it even though they were still in deliberations. They brought forward excellent suggestions and helped us think through the issues that we had—every thoughtful way of considering it. Certainly for me, to bring these people together—having the Growth Strategies Commission—I think really helped improved the overall nature of the act. And I think they were a little miffed or surprised perhaps that we continued to move ahead even in the midst of their deliberations.

Rita: So, tell us about the hearings boards and how that idea got started and the fact there are three? Also, how

do you think they're carrying out their duties?

Tom: I didn't necessarily agree we needed three to start with. Maybe it was the business community or a local government commissioner or somebody who brought in the three. I actually was quite nervous about having three different boards.

First of all, I don't like boards very much and having three of them—the lack of consistency between the three would be a concern. Having independent boards like that, I thought would be problematic, even just the administration of them. I had tried to work out a way where you can have one board, but then you had two or so—maybe you had a board of six and you have two who are designated to certain areas around the state, but they would still act as one body and you then have consistency of land use law. So, they would have to share their decisions and something like having a third person who would join you on various geographic issues. So we were working with all kinds of permutations on how to structure the need to have geographic sensitivity but retain some level of consistency.

But quite frankly, it was the politics; the difference between Western Washington or generally the Puget Sound region and Eastern Washington—which had their own set of issues and probably wouldn't even want planning—and the Central Puget Sound, which obviously had the most immediate need there. Certainly, for the hearings boards to be effective—this is really where both the Growth Strategies Commission and many of the attorneys who got involved in this worked on ideas; having a local government have a decision appealed to another body was major. For it to go to a non-judicial or a quasi-judicial body was a very significant issue and decision.

The environmentalists thought the boards didn't have enough authority. We created a new standing by which citizens and groups who have been involved in the planning can bring those cases. This is also huge: to give citizens' groups the ability to say, "This thing's out of control," and for the Governor to also say, "This is inadequate," and to have penalties in place. So, we had to do—the whole accountability side had to be a major juggling act of accommodation—accommodation to the more rural areas in Eastern Washington, accommodation to not having a central board. Just politically, it started to look like an Oregon board if there was one. So, I had to let go of that and even to have some members of the board focused on a geographic region didn't fly. But we had to have members of the hearings boards who really understood planning—represented local government and citizens and government officials—so they had that kind of blend and sensitivity to the local point of view, but then could also be looking at case law over time.

Actually the decisions that I've read—I've been pleasantly surprised that their decisions have been strong and that their decisions have been upheld by the courts. I knew going into this that there was "no way no how" many local governments were going to do some of this planning unless they had somebody to point at that had a bigger stick than they did. They had to put up the good fight and I talked to local government officials that wanted to plan and to do it right, but said, "I can't deal with it politically because I have so many realtors or developers on my case locally that I politically can't get there." The hearings board or CTED or whomever was convenient and had to be the bad guy sometimes. So we had to make it as politically palatable as possible and that's why we created the three boards.

Rita: Tell us about your work with the Land Use Study Commission.

Tom: Well, those of us who were deeply involved in this realized that we were putting layer upon layer upon layer here from the Shorelines Management Act to SEPA to GMA. What really came through huge in the

middle of this timeframe of the Land Use Study Commission was the ESA (Endangered Species Act)—SMA, GMA, ESA—they all were layer upon layer, the Endangered Species Act with the listing already of Columbia River salmon, but then of Coho throughout the Puget Sound region and the impact of that and water issues all blended in together. We really focused on salmon... I was also on the Forest Practices Board during this time so you had the issues of the spotted owl and the marbled murrelet, which were endangered species too. You really had timber companies and others who just—completely had enough.

But the impact of the ESA on salmon had the broadest sweeping impact. We felt like we needed one land use law in the state of Washington, that we needed to consolidate the local government statutes and the planning statutes and the shorelines and GMA into one land use statute which would make this elusive goal of consistency and predictability more real.

Part of what came out of the Land Use Study Commission was changes in the permitting process for local governments. Certainly Harry Rheinert at the Land Use Study Commission and Ryan Durkan were really effective, and Keith Dearborn and others were very helpful in crafting changes that would move us towards that goal. But what happened was that the Endangered Species Act blew us out of the water. That took the fear of what they were going to have to do on having to accommodate that—dealing with water and salmon made trying to consolidate all of these statutes into a single land use code impossible. So, while I think we went a long way to saying what it would look like instead of layer upon layer and wanting to consolidate it into a single code, the reality of facing how do we adopt the issues around salmon and the lack of water were so huge that they had to deal with those directly.

Rita: So, what about other amendments to the GMA over the years. Have you followed those and do you have any comments on them?

Tom: From time to time, but I haven't really followed them—I haven't heard of anything earthshaking that has undermined the Growth Management Act at this point, at least fundamentally. I think what I've seen are tweaks, which seem to make it more workable—it was never to be something that would not be able to be changed. Once in a while I go back to read the 13 goals to make sure that they're there and they are with the language that I contributed. I feel good about that—that the core of the act is still in place.

I really didn't want it to become so huge. There's so many different pieces of it. I really did want it to be consolidating similar as to how the Land Use Study Commission had proposed and not be additive. So, I'm glad it's the planning law of the land. I even heard somewhere that Vice President Al Gore said it was the strongest growth management act in the country. That always makes me feel good, but it's a living document. It should be amended and, hopefully, they made it more efficient and more effective.

Rita: If another state wanted to adopt a growth management law, what advice would you give them?

Tom: Any state that has to look at the pressures of development—when I drive around the country, I see every state dealing with it in their own different way and so much of it is based on the history that the state has to appreciate in order to get something passed.

The particular success that we had in bringing together the breadth of the coalition, both business and realtors with environmental groups and local government, was based on searching for common needs. I think that while a lot of builders would like to build wherever they want, being able to bring together not a top-down way, but a bottom-up, tops-up way—both in terms of the creation of the statute and the way it's administered—can be very effective.

After 15 years we can look back and say, “It’s worth it.” That it has made significant difference, there are successes on the ground. It’s not just big plans, it is really the value—the value of the process which is bringing more rational decision making, consideration, into what was before something that was done completely on the basis of political expediency.

So, I’m a planner at heart. I believe planning can help make better decisions, and I think other states would be wise to look at our act. I know that there’s been a lot of smart growth discussions. The creation of a growth management law is based on what is politically possible and shows that those who are most subject to planning laws have a lot to gain as well as who is administering them—they have a great degree of common ground.

Rita: You described yourself as a planner, tell us about that.

Tom: Well, I always have looked at decisions, and still do—part of my work right now as a consultant is in bringing citizens together for large scale, what I call democratic deliberation. So, in order to do effective democratic deliberation—I helped with meetings at the World Trade Center site right after 9/11 with 4,000 people to deliberate over what could happen with Lower Manhattan and what should happen on the site itself and what should the memorial become. Those are huge emotional issues such as 9/11, yet they are planning issues just the same. The issues that we have in our country and in the way we treat our land is long-term thinking. You have to bring together a variety of interests to the table where we can have the evidence of what will occur on the table—so looking at the options through a deliberation and that we can scale those deliberations to more and more people to make effective decisions. And that we look beyond what we think of as what are our own individual or our private needs, to the common good. That is what planners do is to look at the accumulation of private, independent, or individual actions and what their repercussions are and the process of bringing together more and more people to deliberate over those issues.

To me, that’s the heart of planning. It’s not that you come in with a plan or here is what all the evidence suggests. Planning has to be on the basis of the consent of the governed and those who believe in the ability to reach greater purpose and support of common interest through a process that gives greater voice to those who aren’t traditionally heard. So, as a planner and as a consultant, that’s my greatest goal is to bring people together in a way that we can consider the ramifications of more individual decisions and make better decisions that will be for generations to come.

Rita: But Joe King didn’t hire you back then because you were a planner. Tell us the title again.

Tom: When I was in the Speaker’s Office...

Rita: Right, you’re title was?

Tom: I was senior executive assistant for policy in the Speaker’s Office, but I think Joe King hired me because I have big ideas.

Rita: Right, but it just sort of happened that you were a planner and you got this job and suddenly growth management happened.

Tom: Yeah. It happened because of the synchronicity between Joe King and I. He gave me the freedom to think, to bring together all of my interests. He was willing to go to bat politically to make them happen and if it wasn’t for the conversation at the side of the road that we had in the traffic jam that we wanted to bring accountability, it wouldn’t have been done. So, Joe and I had a very fun, mutual relationship. Also, Maria Cantwell —she was head of the committee, but then mostly in charge of Economic Development. She was the

floor leader per se. Look at her now. But you had people who were smart and willing to take risks and we were a great team—Joe on the political side, me on more of the policy side, and Maria on tough questions and details.

Rita: Tell us about your interest in economic development and did that have any effect on what was drafted in terms of the GMA in relation to economic development.

Tom: Absolutely. A major focus of the Growth Management Act was on economic development both in terms of predictability, both in terms of establishing where development is going to occur like industrial and commercial development. Actually, Joe King hired me in 1983 to be staff to the Commerce and Economic Development Committee. He was the chair of the committee at that time. And I spent probably the first three years of being the staff of the Legislature on drafting the state economic development tools and plans and policy, some of which for the Community Economic Revitalization Board or some of the tax incentives that were developed and the work force development kind of programs. These were much tougher times on the economic development side. So I was always convinced that you can do growth management some years and economic development in other years and it's similar, much more similar than people might realize. But the economic development side of being able to have economic development—especially in Eastern Washington and those counties that were not a part of the original counties that were required to plan, but there were others that were opting in. We wanted to make sure that growth management and economic development were seen as hand in hand issues.

Rita: Thank you.